

House Bill 344

By: Representatives Mumford of the 95<sup>th</sup> and Maxwell of the 17<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and  
2 pensions, so as to provide that a person appointed to the position of circuit public defender  
3 may elect membership in either the Employees' Retirement System of Georgia or the  
4 Georgia Judicial Retirement System; to provide for notice; to provide for a transfer of funds;  
5 to provide for a grant of creditable service; to provide that the membership of certain  
6 members of such retirement system shall be governed in a certain manner; to provide  
7 conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other  
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is  
12 amended by inserting immediately following Code Section 47-2-73 the following:

13 "47-2-74.

14 Any person appointed to the position of circuit public defender pursuant to Article 2 of  
15 Chapter 12 of Title 17 shall make an irrevocable election either to remain or become a  
16 member of this retirement system or to become a member of the Georgia Judicial  
17 Retirement System by so notifying the board of trustees of this retirement system and the  
18 board of trustees of the Georgia Judicial Retirement System not later than December 31,  
19 2008, or within 90 days after assuming such office, whichever date is later. If such person  
20 is a member of this retirement system at the time of making such election, he or she shall  
21 continue membership in the same status as he or she had at that time. All employer  
22 contributions which are required by this chapter shall be made from funds appropriated by  
23 or otherwise available for the operation of the Georgia Public Defender Standards Council."

**SECTION 2.**

Said title is further amended by revising Code Section 47-23-43, relating to the preservation of prior rights under such Code section, as follows:

"47-23-43.

Any person ~~subject to the provisions of this Code section on June 30, 2005, shall retain all rights and obligations as exist on that day. Such persons~~ who was a member of this retirement system on or before July 1, 2005, by virtue of his or her employment pursuant to Code Section 28-4-3 or 45-15-31 and any circuit public defender who becomes a member of this retirement system pursuant to the provisions of Code Section 47-23-51 shall be subject to all provisions of this chapter applicable to solicitors-general of the state courts."

**SECTION 3.**

Said title is further amended by inserting immediately following Code Section 47-23-50 the following:

"47-23-51.

(a) Any circuit public defender appointed pursuant to Article 2 of Chapter 12 of Title 17, including such persons serving on July 1, 2008, and persons so appointed thereafter, may make an irrevocable election either to become a member of this retirement system or to remain or become a member of the Employees' Retirement System of Georgia by so notifying the board of trustees of this retirement system and the board of trustees of the Employees' Retirement System of Georgia not later than December 31, 2008, or within 90 days after assuming such office, whichever date is later.

(b) If the circuit public defender was a member of the Employees' Retirement System of Georgia at the time of making such election, the Employees' Retirement System of Georgia shall transfer to this retirement system all employer and employee contributions paid by or on behalf of any such member with regular interest thereon. The member is authorized, but not required, to pay to the board of trustees such additional amount as the member desires, such payment to be made within 12 months of electing to become a member of this retirement system. Such member shall receive only such creditable service, not to exceed the actual years of service, as that amount will warrant without creating any accrued liability to this retirement system, calculated as if the member had either elected or rejected spouse's survivors benefits at the member's option.

(c) All employer contributions which are required by this chapter shall be made from funds appropriated by or otherwise available for the operation of the Georgia Public Defender Standards Council."

**SECTION 4.**

This Act shall become effective on July 1, 2008, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 2008, as required by subsection (a) of Code Section 47-20-50.

**SECTION 5.**

All laws and parts of laws in conflict with this Act are repealed.